

RECEIVED
CENTRAL FAX CENTER

SEP 12 2007

REMARKS

Applicant has amended the claims 1 and added a new claim 4. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed and do not contain any new matter. In addition, Applicant respectfully submits that these amendments to the claims would not be properly rejectable based upon the art of record in the parent application for the reasons set forth below.

In the Advisory Action the Examiner suggests that the recitation of liquid zirconium oxide and liquid polyvinyl acetate resin is a new matter issue since it is the Examiner's opinion that the commercial products are emulsions.

In reply thereto, Applicant again directs the Examiner's attention to page 5, first full paragraph where it clearly defines each of the components as a liquid. In addition, submitted herewith is a declaration signed by the inventor indicating that the zirconium oxide, polyvinyl acetate resin and the paraffin are supplied as liquids. Still further, Applicant respectfully submits that the polyvinyl acetate resin and the zirconium oxide are liquid galactoids and galactoids are milky liquids. Accordingly, Applicant respectfully submits that there is sufficient support in Applicant's application for the zirconium oxide and polyvinyl acetate resin to be characterized as liquids.

The Examiner further states that it is unclear how much zirconium oxide and polyvinyl acetate would be present in the liquid. In reply thereto, submitted herewith is a Declaration by the Applicant wherin the Applicant clearly states that the amount of zirconium oxide contained in the liquid is 12-14% and the amount of polyvinyl acetate resin contained in the liquid is 48-52%. Applicant has had to submit these amounts by Declaration since the manufacturers do not publicly disclose the contents or composition in brochures or published catalogues which list the contents or compositions. Still further and as pointed out in the Declaration, there are only slight differences among the manufacturers as to the percentages of the zirconium oxide and polyvinyl acetate contained in their liquids. Accordingly, Applicant respectfully submits that the claims do comply with the requirements of 35 USC 112, second paragraph.

Still further, the Examiner has rejected the claims 1 through 3 under 35 USC 103 as being obvious over Quemin and Applicant respectfully submits that Quemin is a cosmetic and in Quemin the zirconium oxide is a pigment in the form of solid particles and is neither a liquid nor

RECEIVED PAGE 05/07
CENTRAL FAX CENTER

SEP 12 2007

a motion nor galactoid. Therefore, Applicant respectfully submits that the composition of Quemin is not Applicant's invention.

In view of the above, therefore, Applicant respectfully requests that as part of this Request for Continued Examination, this Amendment be entered, favorably considered and the case passed to issue.

Applicant respectfully requests a two-month extension of time so as to file a Request for Continued Examination (RCE) on the above-identified application. Please charge KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445 in the amount of \$225.00 for the required extension fee.

Please charge any additional costs incurred by or in order to implement this Amendment
or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT
ACCOUNT NO. 11-1445.

Respectfully submitted,

By: 
William L. Androlia
Reg. No. 27,177

Quinn Emanuel Urquhart Oliver & Hedges, LLP
Koda/Androlia
865 S. Figueroa Street, 10th Floor
Los Angeles, California 90017
Telephone: 213-443-3000
Facsimile: 213-443-3100
E-mail: thomasedison@quinnemanuel.com

Certificate of Transmission

09/13/2007 VBUI11 00000011 111445 10791489
02 FC:2252 225.00 DA